AO 91 (Rev. 08/09) Criminal Complaint

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
NOV 21 2016
ARTHUR JOHNSTON
BY ______ DEPUTY

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

United States of America
v.
Jorge Iram Garcia and
Juan Angel Ozuna Saenz, Jr.

Defendant(s)

Case No. 1:16mj599- RHW

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 20, 2016 in the county of Harrison in the Southern District of MS, Southern Division , the defendant(s) violated:

Code Section	*Offense Description*
21 U.S.C. § 841(a)(1)	Possession with Intent to Distribute a Controlled Substance, to wit, in excess of 500 grams of cocaine hydrochloride, a narcotic drug controlled substance.

This criminal complaint is based on these facts:

See affidavit attched hereto and incorporated herein

☑ Continued on the attached sheet.

Complainant's signature

Donald A. Penny, Jr., Special Agent DEA
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/21/2016

Judge's signature

City and state: Gulfport, MS

Robert H. Walker, United States Magistrate Judge
Printed name and title

AFFIDAVIT

I, Donald A. Penny, Jr., am first duly sworn, state as follows:

Introduction

I am a Special Agent (SA) with the United States Department of Justice, Drug Enforcement Administration (DEA). I have been a Special Agent of the DEA for over (25) years. I am currently assigned to the Gulfport Resident Office located in Gulfport, MS. During the course of my employment I have participated in numerous investigations of illegal narcotics trafficking and violations of Title 21 United States Code. Many of these investigations involve conspiracy related cases as well as the sale and distribution of controlled substances, including cocaine HCL.

Probable Cause Factual Basis

Your affiant states that on August 25, 2016, the United States Drug Enforcement Administration (DEA) Gulfport Resident Office (GRO), received information from a reliable cooperating source, hereafter referred to as CS 1, that Jorge Iram GARCIA a.k.a. "Festeronie GARCIA" was in the Hattiesburg, MS, area and requesting to meet with CS 1 for the purposes of negotiating the sale of cocaine HCL. Your affiant notes that CS 1 had previously advised DEA Agents that Jorge GARCIA had distributed multiple kilograms of cocaine HCL to CS 1 in the past.

On August 26, 2016, CS 1, under the direction of DEA Agents, contacted GARCIA via cellular telephone and was directed by GARCIA to a hotel room at the Super 8 motel located at 2 Churchill Street in Hattiesburg, MS. CS 1 arrived at the hotel and made contact with GARCIA at the motel. Surveillance units noted that there was an adult female and a minor female child who were sharing the room with Jorge GARCIA. While in the room GARCIA presented CS 1 with a kilogram of cocaine HCL.

Later that same day CS 1 recorded several telephone calls between he/she and Jorge Iram GARCIA in which GARCIA advised that he had already distributed one kilogram of cocaine HCL to subjects in Mississippi on the evening of August 25, 2016.

GARCIA further stated that if CS 1 did not possess the funds to purchase the remaining kilogram of cocaine that he (GARCIA) was going to deliver the cocaine to a buyer from the Mississippi Gulf Coast.

GARCIA, the female and minor child were later observed departing the Super 8 Motel before driving south on Hwy 59 to Highway 98 East and then to Highway 49 south where they later arrived in D'Iberville, MS.

Agents observed GARCIA meeting with a subject, hereafter referred to as Subject 1, and then entering Subject 1's vehicle. GARCIA and Subject 1, were then followed by GARCIA's female companion and the child to the Motel 6 located at 2476 Beach Blvd. in Biloxi, MS.

Agents later determined that Subject 1 obtained two hotel rooms for the weekend.

On September 19, 2016, SA Donald Penny made contact with Subject 1 regarding his/her knowledge and participation with a Source of Supply for cocaine operating out of Texas.

Subject 1 advised that he/she was currently in communication with a subject known as "Gordo" who was distributing kilogram quantities of cocaine HCL. SA Penny then presented the subject with a line-up consisting of several like individuals asking the CS if he/she observed "Gordo" to which the subject identified Jorge Iram GARCIA.

Subject 1 admitted that in the later part of August of 2016 he/she received an unexpected call from GARCIA claiming to be in Hattiesburg, MS, and in possession of a kilogram of cocaine HCL. Subject 1 said that GARCIA then traveled to D'Iberville, MS, where they met before obtaining hotel rooms at the Motel 6 located on Beach Boulevard in Biloxi, MS. While at the hotel, Subject 1 said that GARCIA distributed 9 ounce quantities at a time to him/her who then sold the cocaine (approximately 1 kilogram) to various local individuals. After distributing the cocaine locally Subject 1 provided GARCIA with approximately $30,000.00.

Subject 1 added that he/she had received multiple kilograms of cocaine HCL in the past from Jorge GARCIA.

On November 18, 2016, CS 1 received a telephone call from Jorge GARCIA who advised that he was getting ready to sell a kilogram of cocaine in Houston, Texas and may travel to

Mississippi for the purposes of also selling CS 1 a kilogram of cocaine.

On November 20, 2016, CS 1 spoke to GARCIA who advised CS 1 that he would travel later that day to Mississippi to sell CS 1 one kilogram of cocaine HCL. GARCIA said he had already sold one kilogram of cocaine in Louisiana. CS 1 received text messages which included pictures of what was represented by GARCIA to be a kilogram of cocaine. In a subsequent call GARCIA agreed to sell CS 1 the kilogram of cocaine HCL for $33,500.00.

A series of recorded telephone calls and text messages between CS 1 and GARCIA led to GARCIA and an unknown subject eventually arriving at the Golden Nugget Casino located at 151 Beach Blvd., in Biloxi, MS. CS 1 was directed by GARCIA to room #911. Your affiant states that agents determined that Jorge GARCIA had actually obtained room #910 and was accompanied by a second unknown male subject. CS 1, having arrived on the 9th floor, was greeted by GARCIA who was standing in the hallway. GARCIA directed CS 1 to room 910.

While in room 910, CS 1 observed a second Hispanic male subject lying on a bed and what appeared to be a kilogram of cocaine lying on an adjacent bed. CS 1 asked both GARCIA and the unidentified subject if the cocaine was good quality and that he/she was worried about the quality of the cocaine coming out of "H Town", referring to Houston. Both subjects vouched for the quality of cocaine adding that they had more cocaine. CS 1 asked for a gram sample and received the sample adding that he/she would return shortly with the monies.

CS 1 met with SA Penny who took possession of the sample and conducted a field test which yielded positive results for the presence of cocaine.

Agents obtained a State of Mississippi search warrant for room 910 at the Golden Nugget Casino located at 151 Beach Boulevard in Biloxi, MS, as well as a GMC truck identified as being utilized by GARCIA and a the unidentified subject.

Agents observed Jorge GARCIA and the second subject, subsequently identified as Juan Angel Ozuna SAENZ Jr., depart room 910 where they were detained moments later in the casino gaming area.

A search of the room (910) led to the discovery of one kilogram of cocaine HCL concealed in a desk drawer. The kilogram was field tested positive for the presence of cocaine HCL.

CONCLUSION

Based upon my experience as a DEA Special Agent and the facts listed above involving Jorge Iram GARCIA and Juan Angel Ozuna SAENZ Jr., it is my opinion that there is probable cause to believe that violations of Title 21, United States Code, Section 841(a)(1), *i.e.* possession with intent to distribute in excess of 500 grams of cocaine hydrochloride, have been committed by Jorge Iram GARCIA and Juan Angel Ozuna SAENZ Jr., in the Southern District of Mississippi.

Donald A. Penny, Jr.
Special Agent
Drug Enforcement Administration

Sworn and subscribed to me this 21st day of November, 2016.

UNITED STATES MAGISTRATE JUDGE